

REMARKS

Claims 2, 4, 5, 8, 9, 13, 15, 16, 19, 20, 25 and 26 are currently pending, wherein claims 5 and 16 have been amended. Applicant respectfully requests favorable reconsideration in view of the remarks presented herein below.

On page 2 of the Office Action ("Action"), the Examiner rejects claims 2, 4, 5, 8, 9, 13, 15, 16, 19, 20, 25 and 26 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,266,116 to Ohta et al. ("Ohta") in view of U.S. Patent No. 4,653,859 to Masaki ("Masaki"). Applicant respectfully traverses this rejection.

In order to support a rejection under 35 U.S.C. §103, the Examiner must establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness three criteria must be met. First, there must be some motivation to combine/modify the applied references. Second, there must be a reasonable expectation of success. Finally, the combination must teach each and every claimed element. In the present case, claims 2, 4, 5, 8, 9, 13, 15, 16, 19, 20, 25 and 26 are not rendered unpatentable by the combination of Ohta and Masaki because the combination fails to disclose each and every claimed element as discussed below.

Nowhere in Ohta or Masaki is there any disclosure or suggestion of an in-plane switching mode liquid crystal display device wherein $d\Delta n$ is in the range of 0.29-0.36 μm and transmittance is greater than or equal to 60 percent as claimed. Accordingly, the combination of these two patents cannot possibly disclose said features. Therefore, even if one skilled in the art were motivated to combine these two patents the combination would still fail to render claims 2, 4, 5, 8, 9, 13, 15, 16, 19, 20, 25 and 26 unpatentable because the combination fails to disclose each and every claimed element.

The application is condition for allowance. Notice of same is earnestly solicited. Should the Examiner find the application other than in condition for allowance, the Examiner is

requested to call the undersigned at 202-496-7500 to discuss the steps necessary to place the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

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Respectfully submitted,

By Penny L. Caudle
Penny L. Caudle
Registration No.: 46,607
MCKENNA LONG & ALDRIDGE LLP
1900 K Street, N.W.
Washington, DC 20006
(202) 496-7500
Attorney for Applicant